
ARNOLD & PORTER

James F. Fitzpatrick
James_Fitzpatrick@aporter.com

202.942.5878
202.942.5560 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

September 10, 2002

BY HAND AND FACSIMILE

The Honorable W.J. Tauzin
Chairman
House Energy and Commerce Committee
2125 Rayburn House Office Building
Independence Avenue & South Capitol Street, S.W.
Washington, DC 20515

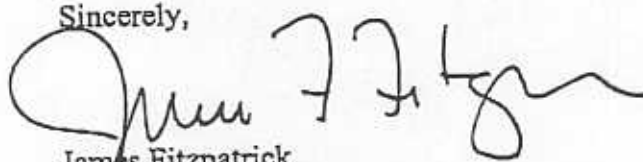
The Honorable Jim Greenwood
Chairman
Subcommittee on Oversight & Investigations
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairmen:

This will confirm that we have advised you that, if Martha Stewart were to be subpoenaed, her attorneys would advise her that, in light of the pending investigations in New York and our inability at this time to obtain access to essential legal and factual information, she should not testify.

As you know, we have also advised you that if the Congress were to defer her testimony until the conclusion of the current investigations, she would almost certainly be available for testimony.

Sincerely,



James Fitzpatrick
Jeffrey Smith